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10/091,299

03/06/2002

Yusaku Fujii

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

02/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/091,299 | Applicant(s) FUJII, YUSAKU | |
| | Examiner JOHN M. WINTER | Art Unit 3621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite the limitation “valuable information....” this limitation is vague and indefinite, no limitation is imposed upon the claimed invention since the “value” of information is arbitrary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sixtus (US Patent 5,903,721) in view of Aieta et al. (US Patent 6,839,689)

As per claim 1,

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Sixtus ('721) discloses an electronic settlement method for electronically paying the consideration necessary for a commercial transaction by a receiver to a supplier via a settlement service provider upon the transaction between the receiver and the supplier, said method comprising the steps of:

obtaining and possessing electronic purse, formed by digital data, by the supplier, the electronic purse having a function of holding the-valuable data in the form of digital data representing a value of a currency or a value of an alternative to a currency and being recorded therein information for authentication required for authenticating a payee of the valuable data in advance; obtaining the electronic purse, which is owned by the supplier, by the receiver;(Column 3, lines 28-47)

transmitting the electronic purse from the receiver to the settlement service provider to request to attach valuable data having a value corresponding to the price for the transaction to the electronic in purse; (Column 3, lines 28-47)

attaching the valuable data to the electronic purse at the request of the receiver after authenticating the receiver by the settlement service provider (hereinafter referred to as "attaching-steps");(Column 3 , line 27 through column 4 line 17)

returning the electronic purse to which the valuable data has been attached in said attaching for transmission of from the settlement service provider to the supplier; (Column 3 , line 27 through column 4 line 17)

Sixtus ('721) does not explicitly disclose transferring the proprietary right of the valuable data attached to the electronic purse of valuable data to a candidate for the receipt of the valuable data by the settlement service provider only when the candidate has been authenticated as a payee oneself of the valuable data on the basis of the

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information for authentication stored in the electronic in purse. Aieta et al. ('689) discloses transferring the proprietary right of the valuable data attached to the electronic purse of valuable data to a candidate for the receipt of the valuable data by the settlement service provider only when the candidate has been authenticated as a payee oneself of the valuable data on the basis of the information for authentication stored in the electronic in purse (Abstract) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Sixtus ('721) method with the Aieta et al. ('689) method in order to prevent fraudulent transactions.

Claims 6-50 are in parallel with claim 1 and are rejected for at least the same reason.

As per claim 2

Sixtus ('721) discloses the method according to claim 1, wherein issuer information as to the issuer of the electronic purse is stored confirmably in advance in the electronic purse. (Column 3 , line 27 through column 4 line 17)

As per claim 3

Sixtus ('721) discloses the method according to claim 1, wherein the valuable data is attached to the electronic purse confirmably from the outside. (Column 3 , line 27 through column 4 line 17)

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As per claim 4

Sixtus ('721) discloses the method according to claim 1,
wherein in the returning step, the electronic information is returned to the supplier
via the receiver. (Figure 2)

As per claim 5

Sixtus ('721) discloses the method according to claim 1,
wherein in the returning step, the electronic information is returned to the supplier
via at least one third party other than the receiver registered in advance. (Figure 2)

Response to Arguments

Applicant's arguments, have been fully considered, The examiner submits that the
amended claims are rejected under 35 U.S.C. 112.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to John M. Winter whose telephone number is (571) 272-
6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Winter
Patent Examiner -- 3621

/Jalatee Worjloh/
Primary Examiner, Art Unit 3621